

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RICARDO RUBALCABA,

Defendant.

8:09CR149

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 16). For good cause shown, and upon the representation that opposing counsel does not object,

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for July 7, 2009 is continued to **August 11, 2009**.
2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **July 7, 2009 and August 11, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, no later than **July 7, 2009**.

DATED June 30, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge